

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Alex J. Simmons	Examiner:	Shapiro, Leonid
Serial No.:	10/804,616	Group Art Unit:	2629
Filed:	March 19, 2004	Docket No.:	60001.0302US01/MS302497.01
Title:	AUTOMATIC HEIGHT ADJUSTMENT OF ELECTRONIC HIGHLIGHTER PENS AND MOUSING DEVICES		

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**ELECTRONICALLY FILED ON MARCH 23, 2009****FOURTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**(37 C.F.R. § 1.97(c))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted after the mailing date of a first Office Action on-the-merits or a first Office Action after filing a Request for Continued Examination under 37 C.F.R. § 1.114, but before the mailing date of: i) a final action under 37 C.F.R. § 1.113; ii) a Notice of Allowance under 37 C.F.R. § 1.311; or iii) an action that otherwise closes prosecution on the application. Payment is being made via credit card in the amount of \$180.00 for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(a)(2), a copy of each foreign patent and/or a copy of each publication, other than U.S. patents and U.S. patent application publications, listed on the accompanying Form 1449 is enclosed.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,  
MERCHANT & GOULD P.C.

P.O. Box 2903  
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Date: March 23, 2009

  
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Ryan T. Grace  
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RTG/sk

